

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 24, 2001

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux and C. Adams, Deputy Clerks.

Each of the following:

B142916 People v. Kesick
B144153 People v. Walker
B152601 In re Walker on Habeas Corpus
B144219 People v. Probst
B144427 People v. Richardson
B144931 People v. Santana
B146639 People v. Neufer
B147613 D.C.F.S. v. Gerald H.
B148419 D.C.F.S. v. Marcus B.
B148878 People v. Bell
B150724 Liberty Mutual v. W.C.A.B.

Argument waived, cause submitted.

B150627 Pollock
v.
Superior Court, Los Angeles County
(Northwestern Mutual Life Insurance Company, r.p.i.)

Merits:

Argued by John D. Rowell for petitioner and by Terry L. Kesinger for real party in interest. Cause submitted.

DIVISION ONE (Continued)

B146322 Sanchez et al.
v.
Wali

Merits:
Argued by Deanna Brown for respondent. No appearance for appellant.
Cause submitted.

B140270 De Soet
v.
20th Century Insurance Company

Merits:
Argued by Jerry Marshak for appellant and by David S. Ettinger for
respondent. Cause submitted.

B147291 Ogaard et al.
v.
Fitzgerald et al.

Merits:
Argued by Steven J. Cote for appellants, by Keith A. Johnson for
respondent Fitzgerald and by Glen Stebens for respondent Bright Ideas.
Cause submitted.

B146759 Watanabe et al.
v.
Royal Caribbean Cruises Ltd.

Merits:
Argued by Kimberly J. Laiberte for appellants and by Elsa M. Ward for
respondent. Cause submitted.

Mallano, J. leaves the bench.

DIVISION ONE (Continued)

B147711 O'Brien
 v.
 Union Bank of California

Merits:
Argued by Huey P. Shepard for appellant and by Lisa M. Rockwell for
respondent. Cause submitted.

Mallano, J. returns from the bench.

Ortega, J. leaves the bench.

B150627 Pollock
 v.
 Superior Court, Los Angeles County
 (Northwestern Mutual Life Insurance Co., r.p.i.)

Merits:
Argued by John D. Rowell for petitioner and by Terry L. Kesinger for real
party in interest. Cause submitted.

Ortega, J. returns to the bench.

B138754 Morady et al.
 v.
 Gorinstein

Merits:
Argued by Mary F. Dant for appellant and by Charlotte E. Costan and
Russell Norstrom for respondents. Cause submitted.

B146336 Bialo
 v.
 Western Mutual Insurance Co.

Merits:
Argued by Jeffrey D. Diamond for appellants and by Michael R. Goodheart
for respondent. Cause submitted.

DIVISION ONE (Continued)

B141311 Bustamante
B147002 v.
Bustamante

Merits:

Argued by Michelle Mulvey for respondent. No appearance for respondent.
Cause submitted.

B147444 Knaub
v.
Newhall County Water District

Merits:

Argued by Gary Symonds for appellant and by Andrew D. Turner for
respondent. Cause submitted.

B142510 Dalcin Cummins Associates et al.
v.
Shamrock Entertainment Investors et al.

Merits:

Argued by Jules L. Kabat for appellants and by Michael M. Bergfeld for
respondents. Cause submitted.

Court recesses until 1:30 P.M.

Court reconvened at 1:30 P.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux,
Deputy Clerk.

B141820 Quality Hardware Manufacturing Co., et al.
v.
Triangle Brass Manufacturing, Co., Inc.

Merits:

Argued by Curtis A. Cole and Mark S. Geraghty for respondents and by
Saul Reiss for appellant. Cause submitted.

DIVISION ONE (Continued)

Mallano, J. leaves the bench.

B143936 Frasier, Jr.
 v.
 Hanson
 Soliman et al.

Merits:

Argued by Curtis A. Cole for appellant, by Kevin G. DeNoce for respondent Frasier, Jr. and by Joseph H. Fagundes for respondents Soliman et al. Cause submitted.

Court adjourned.

B143319 Frazer
 v.
 Bersin

Filed order denying petition for rehearing.

B142133 Crowell
 v.
 DCH Health Services et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

B143865 Brown
 v.
 Mike M. Klein/MK Jeans

Filed order denying petition for rehearing.

DIVISION TWO (Continued)

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Cooper, J.

B135791 Sanchez (Not for Publication)
v.
T & A Taco et al.

The judgment is reversed. Respondents to bear costs on appeal.

Cooper, J.

We concur: Nott, Acting P.J.
 Todd, J.

DIVISION THREE

B147818 Alcott Rehabilitation Hospital (Certified for Publication)
v.
Superior Court, Los Angeles County
(Peggy Smith, r.p.i.)

The petition for writ of mandate is denied. The order to show cause issued March 12, 2001, is discharged. Alcott is to bear costs in this proceeding.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B139333 County of Los Angeles (Not for Publication)
 v.
 Hasim Mohammed

The judgment is reversed. Each party to bear their own costs.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION FOUR

B144905 People (Certified for Publication)
 v.
 Barro

The judgment is modified by dismissing the strike finding; vacating appellant's four-year sentence; and substituting therefor the two-year low term. As modified, the judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B147425 People (Not for Publication)
 v.
 Glee

For the foregoing reasons, this matter is remanded for recalculation of appellant's custody credits pursuant to the holding of *People v. Buckhalter*, supra, 26 Cal.4th 20. In all other respects the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

DIVISION FOUR (Continued)

B145953 People (Certified for Partial Publication)
v.
Cruz

The judgment of conviction is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

[illegible]

The conviction in count 7 is reversed. In all other respects, the judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B146707 Mehrtash (Certified for Publication)
v.
Mehrtash

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

DIVISION FOUR (Continued)

[illegible]

The judgment (orders granting summary judgment motion and sustaining the demurrer without leave to amend) is affirmed. Respondent shall recover his costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B146175 People (Not for Publication)
v.
Velasquez

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B145703 People
v.
Gaboury

Filed order denying petition for rehearing.

B143599 Lynch
v.
Mgrdichian et al.

Filed order denying petition for rehearing.

DIVISION FOUR (Continued)

B140157 National American Insurance Company of California
v.
Century Surety Company of California

Filed order denying petition for rehearing.

B145640 People
v.
Givhan

Filed order denying petition for rehearing.

DIVISION FIVE

B146636 People (Not for Publication)
v.
Randall Massey

The judgment is reversed.

Grignon, J.

We concur: Turner, P.J.
Willhite, J. (Assigned)

B143947 People (Not for Publication)
v.
Rodney Williams

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B151598 Jose R. (Not for Publication)

V.

Superior Court, Los Angeles County
(D.C.F.S., r.p.i.)

The petition is denied.

Armstrong, J.

We concur: Turner, P.J.
Willhite, J. (Assigned)

B147885 People

V.

Daniel Manuel Belmudes

The Court:

On the court's own motion, rehearing granted.

B150160 In re John Frenchik on Habeas Corpus (Not for Publication)

The petition is denied.

Turner, P.J.

We concur: Grignon, J.
Willhite, J. (Assigned)

DIVISION SIX

Court convened in the Santa Barbara County Board of Supervisors' Hearing Room at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

DIVISION SIX (Continued)

B143376 Roberts
 v.
 Santa Barbara Co. Employees' Retirement System

Merits:
Argument waived for appellant and argued by Alan A. Blakeboro for respondents. Cause submitted.

B148260 Interventional Pain Management
 v.
 Workers' Compensation Appeals Board
 Stratton

Review:
Presented by Angela Shutty for petitioner and by Gregory Cameron for respondent Stratton. Presentation previously waived by respondent Workers' Compensation Appeals Board. Cause submitted.

B142934 Barter
 v.
 Manson

Merits:
Argued by Marjorie G. Fuller for appellant and by Herb Fox for respondent. Cause submitted.

B143955 Rice
 v.
 Reiland

Merits:
Argued by Herb Fox for appellant and by Christopher K. Brown for respondent. Cause submitted.

DIVISION SIX (Continued)

B146574 Baltadano
 v.
 Ha

Merits:

Argued by Russell Ghittermnan for appellant and by Paul V. Wayne for respondents. Cause submitted.

B145350 Davis
 v.
 Hussain

Merits:

Argued by Douglas L. Stenzel for appellant and by Pedro I. Nava for respondents. Cause submitted.

B148497 Larner Family Trusts
 v.
 Cline

Merits:

Argued by Gary Hill for appellants and by Mark Kane for respondents. Argument waived by respondent Grimes and respondent Santa Barbara County pursuant to Rule 17(b), Calif. Rules of Court. Cause submitted.

B141620 Alevra
 v.
 Komenda

Merits:

Argued by Kathryn E. Karcher for appellants/respondents Komenda and by Timothy E. Metzinger for respondent/appellant Alevra. Cause submitted.

Court recessed at 4:00 P.M.

October 24, 2001-Continued

DIVISION SIX (Continued)

Court reconvened at 4:10 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J. and G. Bents, Deputy Clerk.

B147339 Cole
v.
Santa Barbara County

Merits:

Argued by Carter Phillips for appellant; by William M. Dillon for respondent; and by Joseph John Barbieri, Deputy Attorney General, for amicus curiae. Cause submitted.

Court adjourned at 4:50 P.M.

B147433 Myles (Not for Publication)
v.
The Regents of the University of Calif. et al.

The judgment is affirmed. Costs are awarded to respondents.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.